

ORIGINAL

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

MELVIN NEWSOME, et al., :

Plaintiffs :

Vs. : CASE NO. S01-2257

UP-TO-DATE LAUNDRY, INC., :

Et al., :

Defendants :

Deposition of LINDA MARR, taken on
Tuesday, March 11, 2003, at 1:23 p.m., at the law
offices of Kathleen Cahill, 15 East Chesapeake
Avenue, Towson, Maryland, before Ilana E.
Johnston, R.P.R. and Notary Public.

Reported by:

Ilana E. Johnston, R.P.R.

CRC-SALOMON

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1 A. This was privately.

2 Q. Okay. And what else? What other times
3 did you have to speak to him?

4 A. I can recall a discussion about the
5 comparison of workers, that they don't work as
6 well as others was his comment. And what he was
7 referring to was the black people versus the
8 Mexican people.

9 Q. And was he making a comment that the
10 Hispanic workers worked harder or worked
11 differently than the black workers?

12 A. Can you say that again?

13 Q. Yeah. Well, you tell me. Tell me
14 exactly what he said. I'd rather hear your
15 words.

16 A. Okay. Yes, he was making disparaging
17 remarks about the fact that the quality of work
18 that a black or Hispanic person does or did was
19 not the same, of the same caliber as a white
20 person would do.

21 Q. And did he also say any remarks that

1 Hispanics were better workers than black workers?

2 A. Yes.

3 Q. So he said both that the white workers
4 were better than the blacks or Hispanics?

5 A. Right. There was like a hierarchy.

6 Q. And that Hispanic workers were better
7 than the black workers?

8 A. Right.

9 Q. And how many times did he make these
10 kinds of comparisons in your presence?

11 A. Quite often. I really couldn't count.

12 Q. More than ten?

13 A. Yes.

14 Q. More than 20?

15 A. More than 20.

16 Q. Was it on a daily or weekly basis?

17 A. I suppose if I have to put a number to
18 it I'd say two or three times a week.

19 Q. And did you counsel him about these
20 statements?

21 A. Yes.

1 Q. Did you ever see or hear Brad Minetree
2 use any derogatory racial slurs to black
3 employees?

4 A. I believe so.

5 Q. And do you remember exactly which
6 derogatory slurs you've seen or heard and when
7 this happened?

8 A. When, not really. Exactly he would
9 refer to them as niggers. Some of the women were
10 sluts. That's pretty much, I think, what I can
11 recall.

12 Q. Did you ever hear him say anything
13 beyond just calling the black workers niggers?
14 Did he ever call them, for example, dumb niggers
15 or stupid niggers or fucking niggers, things like
16 that?

17 A. All of that.

18 Q. Okay. Did you ever hear him refer to
19 any black workers as Kunta Kinte or Bubba,
20 anything like that?

21 A. That's possible. I don't remember

1 you know, please don't say this.

2 Q. Did employees ever complain to you about
3 Brad Minetree's use of these words or his other
4 derogatory racial slurs?

5 A. I can't think that they specifically
6 complained about that.

7 Q. Did Amy Mattis ever talk to you about
8 Brad's use of these racial slurs?

9 A. It's possible.

10 Q. Do you have any recollection of any
11 remarks that she told you about those words or
12 his use of those words?

13 A. I know that Amy and I talked about Brad
14 and his behavior, but I can't recall a specific
15 conversation.

16 Q. What was Brad's response when you told
17 him that he shouldn't use these derogatory racial
18 slurs?

19 A. He tried to laugh it off, you know, like
20 what I was saying was funny and that I was being
21 funny.

1 A. I can remember it was -- we were
2 standing in a hallway. I don't think that
3 anybody -- I mean, I can't remember anybody else
4 being there.

5 Q. And you told him that what he said was
6 inappropriate?

7 A. Uh-huh.

8 Q. And what did he say to you in response?

9 A. A lot of times that's when he would --
10 he would shrug, you know, and just like that's me
11 kind of response.

12 Q. Like dismissing the criticism?

13 A. Dismissing it.

14 Q. And you said he made comments comparing
15 the white workers to the black workers to the
16 Hispanic workers. Who were these remarks made in
17 front of? Were they made in front of other
18 employees?

19 A. I can recall sitting at a staff meeting
20 where there were other employees when he made a
21 comment such as that. They tried to have a staff

1 management's response to your efforts to talk to
2 them or counsel them about this type of behavior?

3 A. How would I characterize management's
4 response?

5 Q. Overall.

6 A. Overall? I guess I like dismissive.
7 That's probably a good word to describe it. They
8 didn't take it seriously.

9 Q. You were saying at the end before we
10 took the break that you couldn't climb the
11 mountain. So did you think that your efforts to
12 correct or call this type of inappropriate
13 behavior to their attention, do you think your
14 efforts were futile?

15 MS. PHELAN: Objection to the form
16 of the question.

17 MS. GRDINA: You can answer.

18 A. I felt that my efforts were futile.

19 Q. Now, did you ever receive any written
20 criticism of your work from Tom Hendrickson or
21 anybody else?

1 Q. Uh-huh.

2 A. The best I'm thinking, it was -- his
3 name was John.

4 Q. John Thomas?

5 A. Okay. Yes.

6 Q. Okay. Do you remember any other
7 occasions where comments comparing blacks',
8 whites' and Hispanics' either work qualities or
9 abilities were made in staff meetings?

10 A. Not at the moment.

11 Q. Do you have any substantive knowledge
12 whether there's any basis, in fact, for the
13 statement that the quality of the white workers'
14 work was better than that of the Hispanics and
15 that of the Hispanics was better than the blacks?

16 A. Can you say that again?

17 Q. Do you have any knowledge whether there
18 is any, I guess, factual basis for the comment
19 that the work of the whites was better than the
20 work of the Hispanics or that the work of the
21 Hispanics was better than the blacks?

1 A. The only knowledge that I have of that
2 point is that Nancy told me that's the way it
3 is. I remember that distinctly. She said that
4 that is just the way it is.

5 Q. Okay. Did you ever make any
6 investigation in the plant where either quantity
7 or quality-wise that was actually true?

8 A. No.

9 Q. Okay. You indicated, I believe, that
10 absenteeism was a problem in the plant?

11 A. Uh-huh.

12 MS. GRDINA: Objection. I don't
13 think she said that.

14 Q. Tell me about that.

15 A. Tell you about absenteeism in the plant?

16 Q. What was the problem?

17 A. I think it was a variety of things.
18 I'm not sure how to answer that. I mean, you
19 have absenteeism in any business. I don't know
20 how to answer it.

21 Q. Well, let's start with the first part,

1 based on race or racial epithets. Did you
2 observe any conduct other than those kinds of
3 comments that you viewed as being discrimination?

4 A. Did I view any other kind of
5 situations --

6 MS. GRDINA: You mean other than
7 what she's already testified to?

8 MS. PHELAN: As far as I'm
9 concerned all I've heard about is comments, so
10 I'm asking her if there's anything other than
11 comments that she observed that she believed was
12 discrimination.

13 A. Is it okay to say that it's my
14 opinion? I did express it as my opinion to
15 them. And that's the fact that black people were
16 hired and put in the soil room automatically and
17 Hispanic people were put in the flat and folding
18 areas. To me that was discriminatory.

19 Q. Okay. Who did you mention that to?

20 A. I know I mentioned it to Tom, and Tom
21 would tell me that that's where the opening was.

1 Q. Okay. Did you know whether or not that
2 was true?

3 A. Yes, it was true.

4 Q. That that's where the opening was?

5 A. There was an opening -- there was
6 usually an opening -- I guess the way to put it
7 is there was usually an opening in the soil
8 room. That probably had the largest turnover.

9 My problem was the fact that if a
10 Hispanic person came in, they were not relegated
11 to that area where that opening was. They were
12 relegated to an opening outside of the soil room
13 where another opening was.

14 Q. Okay. Tell me what your involvement in
15 this process is of people coming in and being
16 assigned.

17 A. I put the applications or the
18 applications were on my door or in my office, you
19 know, if the door was open, in a bin on my door
20 if I wasn't there. And people would fill out the
21 applications. And if it were convenient -- if it